

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, I offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. YODER). The Clerk will report the resolution.

The Clerk read as follows:

Whereas on October 2, 2011, the Washington Post reported a story called "Rick Perry And A Word Set On Stone";

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name "Niggerhead" well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is no definitive account of when the rock first appeared on the property;

Whereas the use of the term "Niggerhead" to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry "in the highest esteem" but said this of the rock at the camp: "It kind of offended me, truthfully";

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was "like those are vertical blinds. It's just what it was called. There was no significance other

than a hunting deal"—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name "Niggerhead";

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with "Morning nigger"—was "like a broken record";

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being "insensitive" when the word was not immediately condemned, but we would remind Herman Cain that the word is not only "insensitive", but is also "offensive": Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word "Niggerhead" at the entrance of a ranch he was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet make strong

statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anyplace in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at "Niggerhead".

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. JACKSON of Illinois. Very quickly, Mr. Speaker, just before you do rule, the House of Representatives does have a history of passing resolutions that have been privileged in the past on questions that are offensive and morally repugnant to many Americans.

There was a minister on the south side of Chicago, for example, for which this House took up a particular resolution and denounced that minister for language that he used on numerous occasions against minorities in the United States.

Consistent with the language with this resolution that I have offered, the House has taken a position in the past that allows Members of Congress to express their consciences and their sentiments about the matters that are in front of us.

Now, as a Member of Congress and a member of this institution, my final argument is that each one of these Presidential candidates, whether they are on the Democratic side or on the Republican side, stands the chance to stand in front of us and provide us with a state of the Union address—a state of our country's fiscal health, its social health, its mental health, its physical health—and protect us from enemies both foreign and domestic.

If my motion for someone who might stand in front of me as a Member of Congress and share with me their vision potentially of the United States fails today, it simply suggests that the Congress of the United States is painting over a profound problem that exists in this Nation.

I know that my time has expired for making my argument; but I personally would be offended that the Congress of the United States would not understand the gravity of this resolution by granting Members an opportunity to vote on the specific arguments laid out by The Washington Post for which they've offered their story.

Mr. Speaker, "nigger" is offensive.

"Niggerhead" is offensive.

And for a Governor of one of the great States of our Nation to hunt at Niggerhead Ranch, it's offensive; and I think that I am expressing the moral outrage of all Americans.

I thank the gentleman for allowing me to make my argument.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Illinois makes several assertions about the Governor of a State

and proposes that the House call upon the Governor and others to take certain actions with regard to these assertions.

In order to qualify as a question of the privileges of the House under rule IX, the resolution must address “the rights of the House collectively, its safety, dignity, or the integrity of its proceedings.” The resolution seeks to express the position of the House toward the actions of others outside of the House without any tangible connection to the House or its proceedings.

A resolution merely asserting the position of the House with regard to an external issue cannot be the basis of a question of privilege. As articulated by the Chair most recently on September 23, 2010, according privilege to such a resolution would allow any Member to place before the House at any time whatever topic he or she might deem advisable. In such an environment, anything could be privileged, so nothing would enjoy true privilege.

The Chair finds that the resolution does not affect “the rights of the House collectively, its safety, dignity, or the integrity of its proceedings” within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

Mr. JACKSON of Illinois. Mr. Speaker, with all due respect, I appeal the ruling of the Chair, and I would hope that my colleagues would support my appeal.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. WHITFIELD. Mr. Speaker, I move to table the gentleman’s motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 173, not voting 29, as follows:

[Roll No. 765]

YEAS—231

| | | |
|-------------|--------------|-------------|
| Adams | Boustany | Cravaack |
| Aderholt | Brady (TX) | Crawford |
| Akin | Brooks | Crenshaw |
| Alexander | Broun (GA) | Cuellar |
| Amash | Buchanan | Culberson |
| Amodel | Bucshon | Davis (KY) |
| Austria | Buerkle | Denham |
| Bachus | Burgess | Dent |
| Barletta | Burton (IN) | DesJarlais |
| Bartlett | Camp | Diaz-Balart |
| Barton (TX) | Canseco | Dreier |
| Benishkek | Cantor | Duffy |
| Berg | Capito | Duncan (SC) |
| Biggert | Carter | Duncan (TN) |
| Billray | Cassidy | Ellmers |
| Billirakis | Chabot | Emerson |
| Bishop (UT) | Chaffetz | Farenthold |
| Black | Coffman (CO) | Fincher |
| Blackburn | Cole | Fitzpatrick |
| Bono Mack | Conaway | Flake |

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|-----------------|-----------------|---------------|
| Fleischmann | Landry | Roe (TN) |
| Fleming | Lankford | Rogers (AL) |
| Flores | Latham | Rogers (KY) |
| Forbes | LaTourette | Rogers (MI) |
| Fortenberry | Latta | Rohrabacher |
| Fox | Lewis (CA) | Rokita |
| Franks (AZ) | LoBiondo | Rooney |
| Frelinghuysen | Long | Ros-Lehtinen |
| Gallely | Lucas | Roskam |
| Gardner | Luetkemeyer | Ross (FL) |
| Garrett | Lummis | Royce |
| Gerlach | Lungren, Daniel | Runyan |
| Gibbs | E. | Ryan (WI) |
| Gibson | Mack | Scalise |
| Gingrey (GA) | Manzullo | Schilling |
| Gohmert | Marchant | Schmidt |
| Goodlatte | Marino | Schock |
| Gosar | McCarthy (CA) | Schweikert |
| Granger | McCaul | Scott (SC) |
| Graves (GA) | McClintock | Scott, Austin |
| Graves (MO) | McCotter | Sensenbrenner |
| Griffin (AR) | McHenry | Sessions |
| Griffith (VA) | McKeon | Shimkus |
| Grimm | McKinley | Shuster |
| Guinta | McMorris | Simpson |
| Guthrie | Rodgers | Smith (NE) |
| Hall | Meehan | Smith (NJ) |
| Hanna | Mica | Smith (TX) |
| Harper | Miller (FL) | Southerland |
| Harris | Miller (MI) | Stearns |
| Hartzler | Miller, Gary | Stivers |
| Hastings (WA) | Mulvaney | Stutzman |
| Hayworth | Murphy (PA) | Sullivan |
| Heck | Myrick | Terry |
| Hensarling | Neugebauer | Thompson (PA) |
| Herger | Noem | Thornberry |
| Herrera Beutler | Nugent | Tiberi |
| Huelskamp | Nunes | Tipton |
| Huizenga (MI) | Nunnelee | Turner (NY) |
| Hultgren | Palazzo | Turner (OH) |
| Hunter | Paul | Upton |
| Hurt | Pearce | Walberg |
| Issa | Pence | Walden |
| Jenkins | Petri | Walsh (IL) |
| Johnson (IL) | Pitts | Webster |
| Johnson (OH) | Platts | West |
| Johnson, Sam | Pompeo | Westmoreland |
| Jones | Posey | Whitfield |
| Jordan | Price (GA) | Wilson (SC) |
| Kelly | Quayle | Wittman |
| King (IA) | Reed | Wolf |
| King (NY) | Rehberg | Womack |
| Kingston | Reichert | Woodall |
| Kinzinger (IL) | Renacci | Yoder |
| Kline | Ribble | Young (AK) |
| Labrador | Rigell | Young (FL) |
| Lamborn | Rivera | Young (IN) |
| Lance | Roby | |

NAYS—173

| | | |
|---------------|---------------|----------------|
| Ackerman | Cummings | Inslee |
| Altmire | Davis (CA) | Israel |
| Andrews | Davis (IL) | Jackson (IL) |
| Baca | DeFazio | Jackson Lee |
| Baldwin | DeGette | (TX) |
| Barrow | DeLauro | Johnson (GA) |
| Bass (CA) | Deutch | Johnson, E. B. |
| Becerra | Dicks | Kaptur |
| Berkley | Dingell | Keating |
| Berman | Doggett | Kildee |
| Bishop (GA) | Donnelly (IN) | Kind |
| Bishop (NY) | Doyle | Kissell |
| Boswell | Edwards | Kucinich |
| Brady (PA) | Ellison | Langevin |
| Braley (IA) | Engel | Larsen (WA) |
| Brown (FL) | Eshoo | Larson (CT) |
| Butterfield | Farr | Lee (CA) |
| Capps | Fattah | Levin |
| Capuano | Filner | Lewis (GA) |
| Cardoza | Frank (MA) | Lipinski |
| Carnahan | Fudge | Loeb sack |
| Carney | Garamendi | Loftgren, Zoe |
| Carson (IN) | Gonzalez | Lowe y |
| Castor (FL) | Green, Al | Lujan |
| Chandler | Green, Gene | Lynch |
| Chu | Grijalva | Maloney |
| Ciilline | Gutierrez | Markey |
| Clarke (MI) | Hahn | Matheson |
| Clarke (NY) | Hanabusa | Matsui |
| Clay | Hastings (FL) | McCarthy (NY) |
| Cleaver | Heinrich | McCollum |
| Clyburn | Higgins | McDermott |
| Cohen | Himes | McGovern |
| Connolly (VA) | Hinche y | McIntyre |
| Conyers | Hinojosa | McNerney |
| Cooper | Hirono | Meeks |
| Costello | Hochul | Miller (NC) |
| Courtney | Holt | Miller, George |
| Critz | Honda | Moore |

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|--------------|------------------|---------------|
| Moran | Richmond | Speier |
| Murphy (CT) | Ross (AR) | Stark |
| Nadler | Rothman (NJ) | Sutton |
| Napolitano | Roybal-Allard | Thompson (CA) |
| Neal | Ruppersberger | Thompson (MS) |
| Owens | Rush | Tierney |
| Pallone | Ryan (OH) | Tonko |
| Pascarell | Sanchez, Loretta | Towns |
| Pastor (AZ) | Sarbanes | Tsongas |
| Payne | Schakowsky | Van Hollen |
| Perlmutter | Schiff | Velázquez |
| Peters | Schrader | Visclosky |
| Peterson | Schwartz | Walz (MN) |
| Pingree (ME) | Scott (VA) | Waters |
| Price (NC) | Serrano | Watt |
| Rahall | Sewell | Waxman |
| Rangel | Sherman | Welch |
| Reyes | Sires | Woolsey |
| Richardson | Slaughter | Yarmuth |

NOT VOTING—29

| | | |
|------------|----------|----------------|
| Bachmann | Giffords | Quigley |
| Bass (NH) | Gowdy | Sánchez, Linda |
| Blumenauer | Holden | T. |
| Bonner | Hoyer | Scott, David |
| Boren | Michaud | Shuler |
| Calvert | Olson | Smith (WA) |
| Campbell | Olver | Wasserman |
| Coble | Paulsen | Schultz |
| Costa | Pelosi | Wilson (FL) |
| Crowley | Poe (TX) | |
| Dold | Polis | |

□ 1416

Messrs. NEAL, HIGGINS, AL GREEN of Texas, Ms. EDWARDS, Ms. BERKLEY, Ms. SPEIER, and Ms. SCHWARTZ changed their vote from “yea” to “nay.”

Messrs. STIVERS, HUNTER, MANZULLO, GINGREY of Georgia, DUFFY, KELLY, and Mrs. LUMMIS changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOLD. Madam Speaker, on rollcall No. 765 I was unavoidably detained in Committee with Secretary Geithner. Had I been present, I would have voted “yea.”

Stated against:

Ms. PELOSI, Madam Speaker, on rollcall No. 765 I was detained at an official event. Had I been present, I would have voted “nay.”

Mr. SCOTT of Georgia. Madam Speaker, on rollcall vote 765, I was unavoidably detained by a conflicting vote and questioning occurring at the same time in the Financial Services Committee meeting. Had I been present, I would have voted “nay.”

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial,